

FCC MAIL SECTION

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

Amendment of Section 73.202(b)
Table of Allotments,
FM Broadcast Stations.
(Cove, Arkansas)

(Robert Lee, Texas)

DIST

DOCKET FILE COPY ORIGINAL

MB Docket No. 03-143
RM-10726

MB Docket No. 03-146
RM-10728

REPORT AND ORDER
(Proceeding Terminated)

Adopted: October 1, 2003

Released: October 3, 2003

By the Assistant Chief, Audio Division:

1. The Audio Division has before it *Notices of Proposed Rule Making* ("Notice"),¹ specified below, setting forth two separate proposals to amend the FM Table of Allotments, Section 73.202(b) of the Commission's Rules. Each petitioner filed comments in support of its proposal reaffirming its intention to apply for the requested channel, if allotted.² Each proposal complies with all Commission technical requirements and we continue to believe each proposal would serve the public interest. There were no additional comments or counterproposals received in response to the above-listed dockets. Accordingly, we adopt each proposal as originally proposed. These are as follows:

A. MB Docket No. 03-143; RM-10726

Action: At the request of Charles Crawford, we are allotting Channel 232A at Cove, Arkansas, as that community's first local aural transmission service.³

Coordinates: The reference coordinates for Channel 232A at Cove are 34-22-17 North Latitude and 94-33-12 West Longitude.

¹ *Cove, Arkansas and Robert Lee, Texas*, 18 FCC Rcd 12696 (MB 2003)

² Late-filed comments were received from Katherine Pyeatt in MB 03-146, which reaffirmed her expression of interest in the allotment of Channel 289A at Robert Lee, Texas. We will accept these comments since this proceeding is uncontested and no prejudice would occur to other parties. See *Santa Isabel, Puerto Rico*, 3 FCC Rcd 2336 (1998), *aff'd*, 4 FCC Rcd 3412 (1989); *aff'd. sub non. Amor Family Broadcasting v. FCC*, 918 F.2d 960 (D.C. Cir. 1990).

³ As stated in the *Notice*, Cove is an incorporated community with a 2000 U.S. Census population of 383 persons. Cove has its own mayor, post office, fire department, high school, and a number of local churches.

Additional Information: This allotment requires a site restriction of 14.9 kilometers (9.2 miles) southwest to avoid a short-spacing to the license site of Station KOLX, Channel 233C2, Barling, AR.

FCC Contact: Rolanda F. Smith (202) 418-2180.

B. MB Docket No. 03-146; RM-10728

Action: At the request of Katherine Pyeatt, we are allotting Channel 289A at Robert Lee, Texas as that community's first local aural transmission service.⁴

Coordinates: The reference coordinates for Channel 289A are 32-00-56 North Latitude and 100-26-20 West Longitude.

Additional Information: This allotment is at city reference coordinates and requires no site restriction. Although concurrence has been requested for Channel 289A at Robert Lee, notification has not been received. If a construction permit is granted prior to the receipt of formal concurrence in the allotment by the Mexican government, the construction permit will include the following condition: "Use of this allotment is subject to suspension, modification, or termination without right to hearing, if found by the Commission to be necessary in order to conform to the 1992 USA-Mexico FM Broadcast Agreement or if specifically objected to by Mexico's Secretaria de Comunicaciones Y Transportes."

FCC Contact: Rolanda F. Smith (202) 418-2180.

2. Accordingly, pursuant to the authority found in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's rules, IT IS ORDERED, That effective November 17, 2003, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the communities listed below, to read as follows:

| <u>Community</u> | <u>Channel No.</u> |
|-------------------|--------------------|
| Cove, Arkansas | 232A |
| Robert Lee, Texas | 289A |

3. The window period for filing applications for these allotments will not be opened at this time. Instead, the issue of opening these allotments for auction will be addressed by the Commission in a subsequent order.

4. IT IS FURTHER ORDERED, That the aforementioned proceedings ARE TERMINATED.

⁴ As discussed in the *Notice*, Robert Lee is an incorporated community with a 2000 U.S. Census population of 1,171 persons. Robert Lee has its own mayor, post office, volunteer fire department, library, and a number of businesses.

5. For further information concerning a specific docket, contact the FCC Contact listed above for that docket.

FEDERAL COMMUNICATIONS COMMISSION

**John A. Karousos
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